

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-CV-00534

CATHERINE FOLEY,)
Plaintiff,)
)
v.) MOTION TO REOPEN
REPUBLIC AIRLINE, INC.;) CASE and MOTION to
MIDWEST AIRLINES, INC.;) ENFORCE SETTLEMENT
MIDWEST EXPRESS AIRLINES, INC.;) AGREEMENT
and FRONTIER AIRLINES, INC.,)
Defendants.)

NOW COMES the Plaintiff, pursuant to Rule 7 of the Federal Rules of Civil Procedure and requests the Court reopen this file and enforce the settlement agreement between the parties. In support of this motion, the plaintiffs show unto the Court as follows:

1. On March 19th 2014, the parties participated in a court-ordered mediation and resolved the case as more fully set forth in the Mediated Settlement Agreement which is attached hereto as Exhibit A.
- .2 Specifically, the parties agreed that the settlement proceeds would be paid within 45 days of date that the release is executed by the plaintiff.
3. On March 29, 2014, the plaintiff fully executed the defendants' release which is attached hereto as Exhibit B.
4. The executed release was forwarded to the Defendants counsel via email on March 31, 2014.
5. The Court received the report of the mediator and on or about May 9, 2014, issued an Order that the parties file a dismissal and also closed this file.
6. More than 45 days has elapsed since the defendants entered into the Mediated Settlement Agreement and more than 45 days have elapsed since the execution of the full release.

7. As of the date of this motion, defendants have not submitted settlement funds to the plaintiff.
8. Plaintiff's counsel has called and emailed defense counsel but the defendants have still not provided the settlement funds as provided in their agreements.
9. On May 29 2014, This Court entered a Show Cause Order because the parties have failed to file a dismissal in this matter.

WHEREFORE, the plaintiffs pray that this matter be reopened, that the defendants be ordered to comply with the terms of the settlement agreement and that costs of this motion, including reasonable attorneys' fees be taxed against the defendants, and that this matter no be dismissed with prejudice unless and until the defendants comply with the settlement agreements.

This the _____ 29 day of May _____, 2014.

LAW OFFICES OF JEANNE H. WASHBURN

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the foregoing pleading was served on the following parties to this action by: () hand delivery () by federal express (X) by depositing a copy of the same in the United States Mail postage prepaid and addressed to:

Robert J. Morris
Smith Anderson
2300 Wells Fargo Capitol Center
150 Fayetteville St.
Raleigh, NC 27601

Brian T. Maye
Adler Murphy & McQueen
20 S. Clark St. Ste. 2500
Chicago, Ill 60603

This the __29__ day of May, 2014.

LAW OFFICES OF JEANNE H. WASHBURN

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